

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

TERSHAUD SAVORYEA ROSE,	:	
<i>Plaintiff</i>	:	
v.	:	CASE NO.: 6:17-cv-12-NKM-RSB
	:	
CENTRA HEALTH, INC., et al,	:	
<i>Defendants.</i>	:	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT CENTRA
HEALTH, INC.’S MOTION TO STAY DISCOVERY PENDING A RULING
ON THE DEFENDANTS’ FED. R. CIV. P. (12)(b)(6) MOTIONS OR THE
FILING OF AN AMENDED COMPLAINT**

COMES NOW Plaintiff, by counsel, in opposition to Defendant Centra Health, Inc.’s Motion to Stay Discovery Pending a Ruling on the Defendants’ Fed. R. Civ. P. 12(b)(6) Motions or the Filing of an Amended Complaint (ECF No. 71) to-wit:

BACKGROUND

The Court has now ruled¹ on the three pending motions to dismiss and so the Court is now in a position to overrule Centra’s motion to stay discovery.

ARGUMENT

Plaintiff’s Section 1983 claim of excessive force remains in force with regard to defendants Bragg, Clark and Tidwell, as do his state law claims of assault, battery, false imprisonment, malicious prosecution and common law conspiracy. Furthermore, the Court noted that “... if additional details are unearthed during discovery, Plaintiff retains the ability to motion the Court for leave to amend.” ECF 74, p. 27 Thus, there are currently no grounds to stay discovery.

¹ Memorandum Opinion (ECF 74) and related Order (ECF 75)

Dated: August 7, 2017

Respectfully submitted,

TERSHAUD SAVORYEA ROSE

By: /s/ M. Paul Valois
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of August, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record, including:

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